IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15859 of 2005

Between:

Pamarthi Reddaiah, S/o.Thirupathaiah,
R/o.Kotapadu Village, Chatrai Mandalam, Krishna district.

..... PETITIONER

AND

1 The District Collector, Krishna District.
2 The Mandal Revenue Officer, Chatrai Mandal, Krishna district.
3 Vangeti Yesobu, S/o.Sundaram,
R/o.Kotapadu Village, Chatrai Mandalam, Krishna district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st and 2nd respondent in not conducting the enquiry on the representation made by the petitioner against the 3rd respondent for drilling the bore well in violation of the Andhra Pradesh Water , Land and Trees Act, 2002 is illegal, arbitrary, unconstitutional and violation of the Act. Consequently direct the 1st and 2nd respondent to seize the bore well drilled by the 3rd respondent under section 15 of the Andhra Pradesh Water Land and Trees Act, 2002 and pass such other order or orders.

Counsel for the Petitioner : MR.K.V.SUBBA REDDY

Counsel for Respondent Nos. 1 & 2: GP FOR REVENUE

Counsel for Respondent No.3 : NONE APPEARED

The Court made the following :

ORDER:

This Writ Petition is filed by the petitioner to declare the action of the 1St and 2nd respondents in not conducting the enquiry on the representation made by the petitioner against the 3rd respondent for drilling the bore well in violation of the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short **'the Act'**) as illegal, arbitrary and unconstitutional and consequently to direct the 1st and 2nd respondents to seize the bore well drilled by the 3rd respondent as per Section 15 of the Act.

It is the case of the petitioner that Section 10 of the Act prohibits digging wells within a distance of 250 metres, but the 3rd respondent drilled the bore-well within a distance of 50 yards from the bore-well of the petitioner without prior permission from the 2nd respondent. Therefore, the petitioner submitted his representation to the respondent-authorities requesting them to conduct enquiry in that regard. But, the respondent-authorities have not conducted any enquiry so far. Hence, the Writ Petition.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition, at the admission stage, directing the first and second respondents to consider the representation of the petitioner and enquire into the matter and pass appropriate orders as per the provisions of the Act, after giving opportunity of being heard to both the parties, within a period of eight weeks from the

date of receipt of a copy of the Order.

Accordingly, the Writ Petition is disposed of. No order as to costs.

(ELIPE DHARMA RAO, J)

Dt: 21.07.2005

bsv/lvl

To

1 The District Collector, Krishna District.
2 The Mandal Revenue Officer, Chatrai Mandal, Krishna district.

3. Two CCS to the Government Pleader for Revenue, High Court of A.P., Hyderabad (OUT)

4. Two CD copies